



PATENT

Our Docket: P-LJ 5144

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Reed and Okada

Serial No.: 10/057,813

Filed: January 24, 2002

For: SURVIVIN-BINDING PROTEINS,
ENCODING NUCLEIC ACIDS, AND
METHODS OF USE

)

) Examiner: Unassigned

)

) Group Art Unit: 1623

) CERTIFICATE OF MAILING BY "EXPRESS MAIL"

) "EXPRESS MAIL" MAILING LABEL NUMBER: EV 065 745 842 US

) DATE OF DEPOSIT: June 18, 2002

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) 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE, AND IS

) ADDRESSED TO: COMMISSIONER FOR PATENTS WASHINGTON, D.C. 20231.

COMMISSIONER FOR PATENTS

WASHINGTON, D.C. 20231

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Anthony De la Cruz
(TYPED OR PRINTED NAME OF PERSON MAILING PAPER OR FEE)

Anthony De la Cruz
(SIGNATURE OF PERSON MAILING PAPER OR FEE)

CORRECTION OF FILING RECEIPT

Sir:

The filing receipt issued in the above-identified application is incorrect for the reasons set forth below:

This application claims priority of U.S. Provisional Application No. 60/367,357, filed January 25, 2001, which was converted from U.S. Serial No. 09/770,219 as shown on the Transmittal Form (see Exhibit A) and Decision on Petition (see Exhibit B). Please note this priority on the corrected filing receipt.


Attached as Exhibit C is a copy of the Filing Receipt with the changes noted thereon. Applicants accordingly request that these corrections be made of record and that an amended Filing Receipt be issued.

Inventors: Reed and Okada
Serial No.: 10/057,813
Filed: January 24, 2002
Page 2

No fee is deemed necessary in connection with the filing of this Communication. However, if any fee is required, authorization is hereby given to charge any fees to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: June 18, 2002


Melanie K. Webster
Registration No. 45,201
Telephone No.: (858) 535-9001
Facsimile No.: (858) 535-8949

CAMPBELL & FLORES LLP
4370 La Jolla Village Drive
7th Floor
San Diego, California 92122
USPTO CUSTOMER NO. 23601



UNITED STATES PATENT AND TRADEMARK OFFICE

Page 1 of 2
NOT OK P

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/057,813	01/24/2002	1623	0.00	P-LJ 5144	0	34	12

CONFIRMATION NO. 4255

23601
CAMPBELL & FLORES LLP
4370 LA JOLLA VILLAGE DRIVE
7TH FLOOR
SAN DIEGO, CA 92122

FILING RECEIPT



OC000000007699685

Date Mailed: 03/22/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

✓ John C. Reed, Residence Not Provided;
✓ Kazuya Okada, Residence Not Provided;

Domestic Priority data as claimed by applicant

Claim is based on PCT Application No. 00/367,357

Foreign Applications

If Required, Foreign Filing License Granted 03/22/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

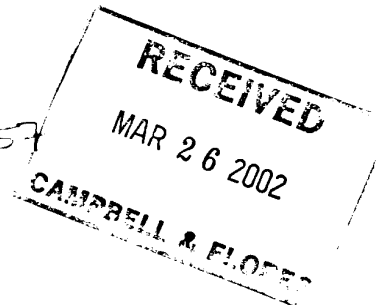
Early Publication Request: No

Title

Survivin-binding proteins, encoding nucleic acids, and methods of use

Preliminary Class

435





**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



June 18, 2002



UNITED STATES DEPARTMENT OF COMMERCE
Patent Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

Page #11

Campbell & Flores LLP
4370 La Jolla Village Drive
7th Floor
San Diego, Ca 92122

In re Application of:
Reed, et al.

Application No.: 09/77219

Filed: January 25, 2001

Attorney Docket: P-LJ4527

DECISION ON PETITION

This is a decision on your petition received in the Patent and Trademark Office on January 24, 2002, and treated as a petition under 37 CFR 1.53(b)(2)(ii) to convert the above identified application to a Provisional application under 35 U.S.C. 111 (b) and 37 CFR 1.53(b)(2).

The petition is granted.

The application will be processed in the Office of Initial Patent Examination (OIPE) as a Provisional application under 35 U.S.C. 111(b) and 37 CFR 1.53(b)(2), including the assignment of a new Provisional application number.

The Provisional application serial number is 60/367357. The filing receipt for the Provisional application number will be communicated to applicant by OIPE in due course.

John Dill, Lead Legal Instruments Examiner
Office of Initial Patent Examination
(703) 308-0910

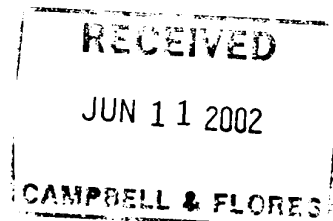


EXHIBIT B



PATENT
Cur Docket: P-LJ 5144

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:
Reed and Okada

Serial No.: 10/057,813

Filed: January 24, 2002

For: SURVIVIN-BINDING PROTEINS,
ENCODING NUCLEIC ACIDS, AND
METHODS OF USE

Examiner: Unassigned

Group Art Unit: 1623

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WASHINGTON, D.C. 20231

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MISSING PARTS TRANSMITTAL

Dear Sir:

In response to the Notice to File Missing Parts mailed
March 22, 2002, enclosed are:

- X 1. A copy of the Notice to File Missing Parts;
- X 2. An executed Declaration for Patent Application;
- X 3. A Recordation Form Cover Sheet and an executed Assignment;
- X 4. An executed Small Entity Statement;
- X 5. An executed Power of Attorney for Patent Application by Assignee;
- X 6. An executed Statement Under CFR 3.73(b) with copy of executed Assignment.
- X 7. A Petition for a one-month extension of time is enclosed (in duplicate).
- X 8. Correction of Filing Receipt with attached exhibits A, B and C.

The filing fee has been calculated as shown below:

	NUMBER FILED		NUMBER EXTRA		RATE		FEE	
					SMALL ENTITY	OTHER ENTITY	SMALL ENTITY	OTHER ENTITY
TOTAL CLAIMS	34-20	=	14	x	\$9.00	\$18	=	\$126.00 \$
INDEPEN- DENT CLAIMS	12-3	=	9	x	\$42.00	\$84	=	\$378.00 \$
MULTIPLE DEPENDENT CLAIMS PRESENTED: ____ YES ____ X NO					\$140	\$280	=	\$0.00 \$
					BASIC FEE		\$370.00	\$740
					TOTAL FEE		\$874.00	

- X 8. A check in the amount of \$1,034.00, to cover the filing fee of \$874.00, the surcharge fee of \$65.00, the recordation fee of \$40.00 and \$55.00 for the one-month extension of time for the application is enclosed.

Inventors: Reed and Okada
Serial No.: 10 057,813
Filed: January 24, 2002
Page 2

X The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 03-0370. A duplicate copy of this sheet is enclosed.

X Any additional filing fees required under 37 C.F.R. 1.16.

X Any patent application processing fees under 37 C.F.R. 1.17.

X The Commissioner is hereby authorized to charge to Deposit Account No. 03-0370 any fees under 37 CFR 1.17 which may be required under 37 CFR 1.136(a)(3) for an extension of time in any concurrent or future reply requiring a petition for extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted

Date: June 18, 2002

By: Melanie K Webster
Melanie K. Webster
Reg. No. 45,201

CAMPBELL & FLORES LLP
4370 La Jolla Village Drive
7th Floor
San Diego, California 92122
Telephone: (858) 535-9001
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USPTO CUSTOMER NO. 23601



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/057,813	01/24/2002	John C. Reed	P-LJ 5144

CONFIRMATION NO. 4255

23601
CAMPBELL & FLORES LLP
4370 LA JOLLA VILLAGE DRIVE
7TH FLOOR
SAN DIEGO, CA 92122

FORMALITIES LETTER



OC000000007699686

Date Mailed: 03/22/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

03/2002 EAREGAY1 00000001 10057813

FILED UNDER 37 CFR 1.53(b)

03/2002
03/2002
03/2002
03/2002
03/2002

370.00 OP
378.00 OP
126.00 OP
65.00 OP

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$1008.
 - \$252 for 14 total claims over 20.
 - \$756 for 9 independent claims over 3.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 1878.**

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UTILITY PATENT APPLICATION TRANSMITTAL
(only for new and continuation-in-part
nonprovisional applications under 37 CFR
1.53(b))

Docket No.:
P-LJ 5144

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Washington, D.C. 20231



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Brian H
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This is a request for filing a
X new utility patent application under 37 CFR 1.53(b)(1).
____ continuation-in-part under CFR 1.53(b)(2) of prior
application serial no. _____, filed _____
(list entire parentage).

Title: SURVIVIN-BINDING PROTEINS, ENCODING NUCLEIC ACIDS, AND
METHODS OF USE

Inventor(s) (full name of each inventor): John C. Reed and
Kazuya Okada.

Enclosed are:

- X Return receipt postcard
- X Patent Application Bibliographic Data Sheet
- X 1 Page application cover sheet
- X 81 Pages of specification (includes claims and abstract)
- X 6 Sheets of drawing(s)
- ____ Pages of an executed Declaration for Patent Application
- ____ An executed Power of Attorney for Patent Application by
Assignee
- X Paper copy of sequence listing, pages 1 through 6
- X Sequence listing in computer readable form
- X Statement Under 37 CFR 1.821(f)
- ____ An executed assignment and cover sheet
- ____ An executed Statement Under 37 CFR 3.73(b)
- ____ An executed small entity statement
- ____ Request for Nonpublication and Certification
- ____ Also enclosed: _____

____ This application is based on prior foreign application(s)
No.(s) _____, filed in _____ on _____
_____, respectively, and priority is hereby claimed
therefrom.

____ This application is based on, and claims the benefit of,
U.S. Provisional Application No. 60/_____, filed _____
, and entitled _____, and which is incorporated
herein by reference.

Inventor(s): Reed and Okada
Docket No.: P-LJ 5144
Page 2

X This application is based on, and claims the benefit of, U.S. Provisional Application No. 60/_____ (yet to be assigned), filed January 25, 2001, which was converted from U.S. Serial No. 09/770,219, and entitled NOVEL SURVIVIN-BINDING PROTEINS, ENCODING NUCLEIC ACIDS, AND METHODS OF USE, and which is incorporated herein by reference.

The filing fee has been calculated as shown below:

	Number Filed		Number Extra		Rate		Fee	
					Small Entity	Other Entity	Small Entity	Other Entity
Total Claims	34-20	=	14	x	\$9	\$18	= \$	\$
Indepen- dent Claims	12-3	=	9	x	\$42	\$84	= \$	\$
Multiple Dependent Claims Presented:___ Yes ___ No					\$140	\$280	\$	\$
					BASIC FEE		\$370	\$740
					TOTAL FEE		\$0.00	\$

___ A check in the amount of \$_____ to cover the filing fee is enclosed.

X The payment of the filing fee is to be deferred until the Declaration is filed. Do not charge our deposit account.


___ The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required or credit any overpayment to Deposit Account No. _____. A duplicate copy of this sheet is enclosed.

Address all future communications to:

Cathryn Campbell
CAMPBELL & FLORES LLP
4370 La Jolla Village Drive, 7th Floor
San Diego, California 92122
telephone: (858) 535-9001
facsimile: (858) 535-8949
USPTO CUSTOMER NO. 23601

Respectfully submitted,

Date: January 24, 2002


Melanie K. Webster
Registration No. 45,201
CAMPBELL & FLORES LLP
4370 La Jolla Village Dr., 7th Fl.
San Diego, California 92122



ONE EXECUTED STATEMENT UNDER 3.73
(b) WITH ATTACHED COPY OF EXECUTED
ASSIGNMENT (5 pages)
Attorney Docket No.: P-LJ 5144
Serial No.: 10/057,813

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RECORDATION COVER SHEET WITH ONE
EXECUTED ASSIGNMENT (5 pages)
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ONE EXECUTED SMALL ENTITY STATEMENT
(4 pages)
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Serial No.: 10/057,813

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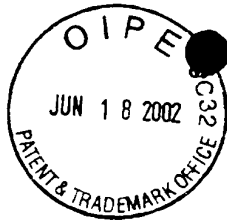
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Signature of Person Mailing Paper or Fee



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Serial No.: 10/057,813

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Antonio De la Cruz
Printed Name of Person Mailing Paper or Fee

Antonio De la Cruz
Signature of Person Mailing Paper or Fee



ONE EXECUTED POWER OF ATTORNEY
(2 pages)
Attorney Docket No.: P-LJ 5144
Serial No.: 10/057,813

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Antonio De la Cruz
Printed Name of Person Mailing Paper or Fee

Antonio De la Cruz
Signature of Person Mailing Paper or Fee



STATEMENT UNDER 37 C.F.R. § 3.73(b)

Title of Application: SURVIVIN-BINDING PROTEINS, ENCODING
NUCLEIC ACIDS, AND METHODS OF USE

Application Ser. No.: 10/057,813

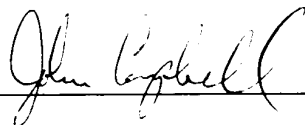
Filed: January 24, 2002

Inventor(s): Reed and Okada

Attorney Docket No.: P-LJ 5144

THE BURNHAM INSTITUTE, a corporation, states that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from the inventors of the application. A copy of the executed assignment, submitted for recording, is attached hereto as documentary evidence of the chain of title to the assignee. The undersigned is empowered to sign this statement on behalf of the assignee.

Date: May 21, 2002

Signature: 

Name: John Campbell

Title: Director of Intellectual Property